

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION

TEDDY BUTLER, JR.,
Petitioner,

v.

STATE OF ALABAMA,
Respondent.

Case No. 3:24-cv-931-CLM-JHE

ORDER OF DISMISSAL

Petitioner Teddy Butler, Jr. filed a pro se petition for writ of habeas corpus under 28 U.S.C. § 2254, challenging his probation revocation.¹ (Doc. 1). The magistrate judge has entered a report, recommending the court dismiss this case under Federal Rule of Civil Procedure 41(b) based on Mr. Butler's failure to prosecute his claims. (Doc. 4). The magistrate judge advised Mr. Butler of his right to file objections within 14 days, but the court has not received any objections within the prescribed time.


Having carefully reviewed and considered de novo all the materials in the court file, including the report and recommendation, the court **ADOPTS** the magistrate judge's report and **ACCEPTS** his recommendation. So the court **DISMISSES** this case **WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) based on Mr. Butler's failure to prosecute his claims.

The court **DIRECTS** the Clerk of Court to close this case.

¹ Mr. Butler says he brings his petition under 28 U.S.C. § 2255. (Doc. 1). But § 2255 permits a federal prisoner to move to vacate, set aside, or correct a federal sentence. *See* 28 U.S.C. § 2255. Mr. Butler does not appear to be in federal custody and is challenging his confinement based on a state probation violation. (Doc. 1).

The court further **DIRECTS** the Clerk to send a copy of this order of dismissal to Mr. Butler at his address of record.

Done and Ordered on September 24, 2024.



COREY L. MAZE
UNITED STATES DISTRICT JUDGE